

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Bond # 104951855

MILLENNIUM PIPELINE COMPANY, L.L.C.,

Plaintiff,

-VS-

**CERTAIN TEMPORARY EASEMENTS IN 322 SLEEPY
VALLEY ROAD, TOWN OF WARWICK, ORANGE
COUNTY, NEW YORK, S.B.L. No. 31-1-17, BREAKAWAY
TRAILS, INC., John Doe, et al., and Unknown Owners,
and**

Civil Action No.
07-CIV-5815

**CERTAIN PERMANENT AND TEMPORARY
EASEMENTS IN (NO NUMBER) DISTILLERY ROAD,
TOWN OF WARWICK, ORANGE COUNTY, NEW YORK,
S.B.L. No. 29-1-21, GEORGE BURKERT AND ANNA
BURKERT, John Doe, et al., and Unknown Owners,
and**

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**CERTAIN PERMANENT AND TEMPORARY
EASEMENTS IN (NO NUMBER) ROUTE 42, TOWN OF
FORESTBURG, SULLIVAN COUNTY, NEW YORK, S.B.L.
No. 39-1-11, ADELIA M. MASTERS, John Doe, et al., and
Unknown Owners,
and**

**CERTAIN PERMANENT AND TEMPORARY
EASEMENTS IN 65 LIBERTY CORNERS ROAD, a/k/a 61
LIBERTY CORNERS ROAD, TOWN OF WARWICK,
ORANGE COUNTY, NEW YORK, S.B.L. No. 11-1-21.2,
DOUGLAS A. PATZELT AND LAUREN PATZELT, John
Doe, et al., and Unknown Owners,
and**

**CERTAIN PERMANENT AND TEMPORARY
EASEMENTS IN (No Number) Route 17A, TOWN OF
TUXEDO, ORANGE COUNTY, NEW YORK, S.B.L. No. 1-
1-34.2, SWISS NORTH AMERICAN PROPERTIES - USA,
LLC, John Doe, et al., and Unknown Owners,**

Defendants.

Bond No. 104951855

BOND

KNOW ALL MEN BY THESE PRESENTS:

That Millennium Pipeline Company, L.L.C., as principal, and Travelers Casualty and Surety Company of America, of Connecticut, an indemnity company, authorized to transact business in the State of New York, as surety, are held and firmly bound unto the named defendants, George Burkert and Anna Burkert, in the total aggregate amount not to exceed Twenty-five Thousand and 00/100 Dollars (\$25,000.00) to secure payment of just compensation and damages to the residue, if any, as well as any interest awarded thereon, to which defendants George Burkert and Anna Burkert shall be adjudged entitled to receive after such compensation and damages, if any, have been duly ascertained and assessed in the manner provided by law by reason of the acquisition of interests in and to those certain tracts of land situate in Orange County, New York, as described in the complaint hereafter mentioned, for the payment thereof well and truly to be made, we bind ourselves, our successors and assigns firmly by these presents until such time as the amount of just compensation is determined by the Court or upon the settlement of this action.

Millennium Pipeline Company, L.L.C., has filed a Complaint in the above-referenced case as well as a Motion for Immediate Access and temporary easement in the real property owned by George Burkert and Anna Burkert located at (no number) Distillery Road, Town of Warwick, County of Orange, State of New York, SBL No. 29-1-21. The Clerk of the Court has entered an Order granting said Motion, conditioning said immediate access and temporary easement to the property condemned upon the posting of this bond in the amount of \$25,000.00 within ten (10) days of the granting of said Order.

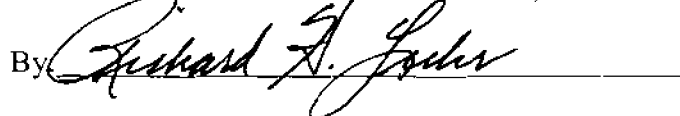
NOW, THEREFORE, if said Millennium Pipeline Company, LLC., shall pay unto the defendants, George Burkert and Anna Burkert, as their interests appear just compensation for said right, title and interest, and any and all damages, as determined by law, then this obligation shall become null and void, otherwise it shall remain in full force and effect, however, the surety hereunder shall not be liable to any one or to all of the defendants in the aggregate in excess of the aggregate amount stated in the first paragraph above.

IN WITNESS WHEREOF, Millennium Pipeline Company, L.L.C., has caused these presents to be signed by its duly authorized agent whose corporate seal is affixed hereto, duly attested, and said Travelers Casualty and Surety Company of America, a corporation, has caused the same to be signed and its corporate seal affixed hereto by its duly authorized Attorney-in-Fact on this 19th day of June, 2007.

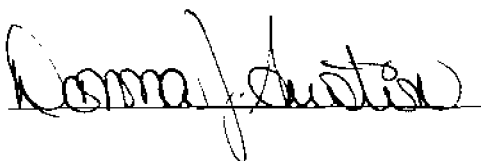

ATTEST:



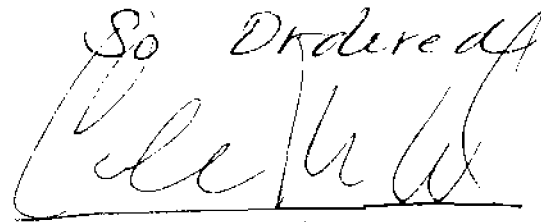
MILLENNIUM PIPELINE COMPANY, L.L.C.

 By: 

ATTEST:


TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA
 By: 
 Mark W. Edwards, II Attorney-In-Fact

7/6/07 - Bond Approved (S.J.)

So Ordered

U. S. D. J.



POWER OF ATTORNEY

Farmington Casualty Company
 Fidelity and Guaranty Insurance Company
 Fidelity and Guaranty Insurance Underwriters, Inc.
 Seaboard Surety Company
 St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
 St. Paul Mercury Insurance Company
 Travelers Casualty and Surety Company
 Travelers Casualty and Surety Company of America
 United States Fidelity and Guaranty Company

Attorney-In Fact No. 218588

Certificate No. 001597279

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Mark W. Edwards, II, Ronald B. Giadrosich, Jeffrey M. Wilson, William M. Smith, and Evondia H. Woessner

of the City of Birmingham, State of Alabama, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 27th day of April, 2007.

Farmington Casualty Company
 Fidelity and Guaranty Insurance Company
 Fidelity and Guaranty Insurance Underwriters, Inc.
 Seaboard Surety Company
 St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
 St. Paul Mercury Insurance Company
 Travelers Casualty and Surety Company
 Travelers Casualty and Surety Company of America
 United States Fidelity and Guaranty Company



State of Connecticut
 City of Hartford ss.

By: George W. Thompson
 George W. Thompson, Senior Vice President

On this the 27th day of April, 2007, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
 My Commission expires the 30th day of June, 2011.



Marie C. Tetreault
 Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary, and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary, or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate of their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers, President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached

I, Kori M. Johanson, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies which is in full force and effect and has not been revoked

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 19th day of June, 20 07


Kori M. Johanson, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.stpaultravelersbond.com. Please refer to the Attorney-in-Fact number, the above-named individuals and the details of the bond to which the power is attached